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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Vince Chhabria, Judge

EMMA C.; et al.,)	
)	
Plaintiffs,)	
)	
VS.)	NO. C 96-04179 VC
)	
TOM TORLAKSON; et al.,)	
)	
Defendants.)	
_____)	

San Francisco, California
Wednesday, February 19, 2020

TRANSCRIPT OF TELEPHONIC PROCEEDINGS

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United States Official Court Reporter

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Also Present:

**Kristin Wright, Director, Special
Education Division, California
Department of Education**

**Shiyloh Duncan-Becerril, Education
Administrator I, California Department
of Education**

Scott A. Mlawer, Special Master

Wednesday - February 19, 2020

2:18 p.m.

P R O C E E D I N G S

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THE CLERK: Calling Case Number 96-CV-4179, Emma C.,
et al. versus Thurmond, et al.

Mr. Mlawer.

MR. MLAWER: Mark Mlawer, the court monitor.

THE CLERK: Thank you. And for Plaintiffs.

MR. KOSKI: William Koski from the Youth & Education
Law Project on behalf of the Plaintiffs, and I'm here with my
colleague Tara Ford.

MS. WELCH: Leecia Welch at the National Center For
Youth Law on behalf of the Plaintiffs.

MS. PITTS: Freya Pitts at the National Center For
Youth Law on behalf of the Plaintiffs.

MS. GILL: Deputy Attorney General Karen Gill on
behalf of State Defendants.

MS. DUNCAN-BECCERRIL: Shiyloh Duncan-Beccerril for
Defendants.

MS. WRIGHT: Kristin Wright, State Director at
California Department of Education Special Education.

THE CLERK: Okay.

THE COURT: All right. Is that everybody?

(No response.)

THE COURT: Okay. Let me start by telling you what I

1 have read and what I have not read so you just -- so that you
2 know where I am; what I know and what I don't know.

3 I read the CD's request to reschedule the April CMC. As
4 you see for now, I kept the April CMC on there just kind of --
5 just so it would be on there for now; but we have scheduled
6 this conversation with you.

7 I have also read -- I pulled up the Phase II -- the
8 further Phase II compliance report, and I read through most of
9 that. I have to admit to you that I didn't get through all of
10 it last night before falling asleep; but -- and not because it
11 was boring. I actually thought it was quite interesting. And
12 the most interesting thing, of course, is that Shiyloh's data
13 identified -- what was it called?

14 **MS. DUNCAN-BECCERRIL:** Noncompliance.

15 **THE COURT:** Data identified noncompliance, that is
16 now -- that can now rest in piece, I guess; is that right?

17 **MS. DUNCAN-BECCERRIL:** Yes, that's correct.

18 **THE COURT:** No more data identified noncompliance.

19 **MS. DUNCAN-BECCERRIL:** Well, we are still going to
20 monitor for compliance elements. We are just not going to call
21 it that anymore.

22 **THE COURT:** Right, that's what I meant.

23 **MS. DUNCAN-BECCERRIL:** New improved version.

24 **THE COURT:** And so I see from the parts that I read,
25 you know, some of the reforms that the State is it

1 implementing. And in particular it sounds like the State is
2 going to adopt a methodology somewhat similar to the
3 methodology that Mark adopted for, you know, identifying
4 districts that are in need of what we previously called
5 comprehensive review.

6 I didn't quite understand -- and maybe part of it is I
7 just haven't -- I didn't get to the parts of the report that
8 discuss it -- I didn't quite understand the discussion of the
9 targets. I didn't have a -- I didn't have a great
10 understanding of why the target -- why the creation of the new
11 six-year targets are being delayed and why we have these sort
12 of temporary targets in place. And there was something about
13 not being able to go public with the new six-year targets in
14 time for the June review that we had scheduled. I didn't
15 really understand any of that stuff very well.

16 So, anyway, that is -- that is kind of the basic
17 description of what I have looked at so far and what I
18 understand and what I don't understand. And I guess the
19 primary purpose of this discussion is to figure out whether we
20 are indeed plowing ahead in June or not.

21 So could I may be start with an explanation from the folks
22 at the State with what is going on and why we might -- why you
23 have put on the table this possibility of not going forward in
24 June.

25 **MS. GILL:** Good afternoon, Your Honor. This is Karen

1 Gill. I'm going to start and turn it over to Ms. Beccerril to
2 provide a more fuller explanation.

3 Just so it is clear, State Defendants absolutely want to
4 plow ahead.

5 For clarity, the whole discussion about the targets as it
6 concerns the next six-year cycle, going all the way back to
7 August of 2019, we were talking about setting a schedule for
8 further Phase II hearings. And at the time one of the things
9 that State Defendants had raised as an issue in terms of timing
10 was that there were stakeholder discussions underway concerning
11 the next cycle -- six-year cycle target that we were going to
12 be submitting.

13 And one of the things we identified was that if we had a
14 targeted June 2020 set of hearings, in terms of the
15 submissions, the targets wouldn't be publicly released in time
16 for either our initial submission or a response to the
17 monitor's report.

18 So we had set an April 22nd CMC to discuss -- you know, to
19 the extent the Monitor had concerns with how to analyze targets
20 that would be released at that time and if he felt he had
21 sufficient time to address them in advance of the hearing; and
22 everybody had sort of agreed to table the issue for that
23 discussion in April. And I think everybody agreed that it was
24 a somewhat discrete issue on the targets.

25 In terms of -- in terms of now what has happened, frankly,

1 the Feds have delayed the next six-year cycle. They announced
2 that in late October of 2019, and that was after several
3 stakeholder meetings in which I think Mr. Koski and Ms. Pitts
4 were a part of as well concerning the next cycle.

5 This is all to say that the Feds had directed all the
6 states including California to create extension targets that go
7 as part of the current six-year cycle, I guess, turn it into a
8 seven-year cycle.

9 So we have submitted those targets to the stakeholder
10 group for input. They have been publicly released; submitted
11 to the State Board earlier this year, and they were approved I
12 think in January of 2020.

13 And so we are ready to plow ahead with those targets; but
14 because the whole issue of the targets had come up last time,
15 we just wanted to make sure that the Court was fine moving
16 forward.

17 **THE COURT:** Well, let me -- okay. So explain to me
18 again, what is it that the Feds did?

19 **MS. DUNCAN-BECCERRIL:** This is Shiyloh Beccerril. I
20 can sort of give you an idea.

21 So when we met in August, we -- I believe we had said we
22 were waiting for the U.S. Department of Education to publish
23 its new six-year packet, and they had assured us it would be at
24 any time. So we took the current set of --

25 **THE COURT:** What is the -- when you say the -- sorry,

1 to interrupt -- but when you say "waiting for the Department of
2 Education to publish its new six-year packet," what does that
3 mean.

4 **MS. DUNCAN-BECCERRIL:** Yeah. So the U.S. Department
5 of Education prohibits us from creating new benchmarks -- new
6 baselines and new targets on indicators unless there has been a
7 significant change in the data collection of the data
8 calculation; neither of which occurred.

9 And so we cannot set new targets unless those two elements
10 occur. We have to wait until a new set of -- until that cycle
11 ends and a new cycle begins. And so when we were discussing it
12 with you, it was pretty fortuitous because the cycle was ending
13 this year; and we had expected to have a new set of targets for
14 the next six years.

15 So we began to meet with stakeholder -- with our
16 stakeholder groups in August and September to set new targets
17 for the next six-year cycle so that we could present them to
18 the Advisory Commission On Special Education and to the State
19 Board Of Education for approval. And then it would be
20 submitted to the Court around April. That was our anticipation
21 because the current cycle was ending.

22 **THE COURT:** Okay.

23 **MS. DUNCAN-BECCERRIL:** And then -- and then we went
24 through that process. We held five stakeholder meetings. We
25 had some draft targets and then the U.S. Department of

1 Education said: We will not be publishing the new set of --
2 the new round of targets for you to set this year. We are not
3 ready. We are requiring you to set extension targets which
4 means we can't set new baselines; we can't set a new set of
5 targets. We simply must extend the current targets.

6 So what we did was we took the current targets as they
7 were and extended them as -- so if it was 1 percent per year,
8 we extended them an additional lower 1 percent. We didn't keep
9 them stagnant. We continued to try make them ambitious but in
10 the same vein that they had already been reducing.

11 **THE COURT:** But the upshot is that these extension
12 targets are far more similar to the old targets that we already
13 started looking at than they will be to the new targets that
14 you were working on this past fall and presumably will resume
15 working on once you get the green light from the Feds; is that
16 correct?

17 **MS. DUNCAN-BECCERRIL:** That's correct.

18 **THE COURT:** Okay.

19 **MS. DUNCAN-BECCERRIL:** And so just for your knowledge,
20 the U.S. Department of Education published today the new set of
21 indicators for the next six years. And so those are published
22 today in the Federal Register.

23 They did make some changes to indicators; most
24 significantly to our assessment indicator. So it should be
25 noted that we will need to reconvene the stakeholder groups to

1 review those targets and to determine baselines and targets for
2 those new indicators.

3 **THE COURT:** Okay. But so if we were to go -- if we
4 were to plow ahead in June, we would look at all the other
5 changes you have made as reflected in this report that I read
6 most of last night, and we would also look -- we would still, I
7 gather, be looking at what you are planning for the new
8 six-year cycle for targets for the new six-year cycle.

9 **MS. GILL:** Your Honor, this is Karen Gill. No. In
10 terms of the look for this particular phase in anticipation of
11 the June hearings, we would be looking at the extension
12 targets. The delay that -- the Federal Government's delay in
13 terms of the next cycle means it would be about a whole other
14 year before we would publicly release targets for that next
15 cycle.

16 **THE COURT:** Well --

17 **MS. DUNCAN-BECCERRIL:** This is Shiyloh Beccerril. The
18 U.S. Department of Education anticipates that -- so, first,
19 they have to go through a 60-day comment period with the
20 information that was published today. They must respond to all
21 the comments. Then they will publish another 30-day comment
22 period with any revisions, and they anticipate finalizing the
23 packet for us to actually act on prior to August 30th, 2020.

24 So it's still not a finalized packet. It gives us an idea
25 of where they are heading, but there are some changes that they

1 intend to make around the assessment indicators and the LRE
2 indicators; but it is not a final packet.

3 **THE COURT:** So the work that you did in the fall with
4 the stakeholders and coming up with your -- you know, getting
5 to the point -- I think you said you had come up with targets
6 already. Is that -- did I hear that correctly?

7 **MS. DUNCAN-BECCERRIL:** We had developed draft targets
8 and had a draft report. Did not go to the Advisory Commission
9 On Special Education, and it did not go to the State Board. It
10 was shared solely amongst the stakeholder group.

11 **THE COURT:** So that work that you did, how relevant is
12 that going to be to the work that you need to do going forward
13 in the next year on these targets?

14 **MS. DUNCAN-BECCERRIL:** So I think it is pretty
15 relevant. We -- there is only a few indicators that are
16 changing. Again, like I said, Indicator 3 is an assessment
17 indicator. It looks like it will be changing. Indicator 1 is
18 changing if they keep it the same way as it is written now in
19 the Federal Register. And then there are some small changes
20 made to the least restrictive environment indicators. However,
21 they are not making any changes to the indicator -- to the
22 dropout indicators, the suspension indicators, the parent input
23 indicator, the pre-qual assessment and then the resolution
24 sessions indicator; Indicators 15 and 16. Those they are not
25 making --

1 But it should be noted that it is something that I think
2 we talked a little bit about prior to your joining the call
3 with the monitor is the only targets that are really addressed
4 in our monitoring that would be affected by this delay would be
5 assessing Indicators 5 and 6, which are the least restrictive
6 environment indicators.

7 **THE COURT:** Okay.

8 And so what is it that you are proposing that we do or not
9 do in June?

10 **MS. GILL:** Your Honor, this is Karen Gill. We are
11 proposing to just plow ahead as scheduled. We just want to be
12 sure that the Court doesn't feel that we had informed them too
13 late of the delay or that the Court may have had a different
14 timeline or expectation for when and how the new cycle's
15 targets would be addressed; but State Defendants are
16 comfortable moving forward as is based on the extension targets
17 and really based on all the other changes we have made to our
18 monitoring system.

19 **THE COURT:** But I guess the question is --

20 **MS. GILL:** Sorry, selection.

21 **THE COURT:** Selection system. So what -- so I guess
22 the only question I have is: What is the point of reviewing
23 the extension targets? What value is there in doing that?

24 **MS. GILL:** So I -- go ahead, Mr. Koski.

25 **MR. KOSKI:** Your Honor, this is William Koski on

1 behalf of the Plaintiffs.

2 Just so you know, the Plaintiffs' general position is that
3 we are fine with moving ahead on the current schedule to finish
4 up Phase II and then more on to Phase III. What we would like
5 to do, though, is -- we feel that the Court and the Court
6 Monitor and Plaintiffs should have an opportunity to ultimately
7 weigh in on the indicators that are going to be used for the
8 six-year renewal.

9 As it is, the extension indicators, as you pointed out,
10 basically continue on with slight -- slightly more rigorous
11 targets from the prior targets; but the new targets in some
12 areas are going to be substantially more rigorous than that.
13 And, specifically, least restrictive environment is one place
14 where the stakeholders really pushed hard to ensure that the
15 State set much, much higher targets than the current targets
16 and extension targets.

17 So it would be Plaintiffs' position that it is okay to
18 push ahead with the rest of the Phase II process so long as
19 when the ultimate targets are set, there is an opportunity for
20 the Plaintiffs and the Court and the Court Monitor to evaluate
21 whether or not those targets are rigorous enough.

22 **THE COURT:** Well, and then -- you know, the question
23 is: Could there be any kind of front-end discussion of that
24 given where the State is?

25 I got the sense from the State's filings that its answer

1 to that is no; that we just -- we are not going to be at a
2 point where we can examine -- you know, where we can be vetting
3 issues in June regarding the new six-year targets. By the same
4 taken --

5 **MS. GILL:** This is Karen Gill. That's correct in
6 terms of -- again, this has to do with the ability for the
7 State to publicly release those targets given the series of
8 approvals they have to go through first.

9 **THE COURT:** Okay.

10 **MS. GILL:** Right.

11 **THE COURT:** But by the same token, isn't it just a
12 waste of time for us to be drilling down on the extension
13 targets in June? I mean, shouldn't -- maybe it would make more
14 sense -- I think this might be what Mr. Koski was suggesting
15 although I'm not certain -- maybe it would make more sense to
16 just do everything that we were planning on doing in June
17 except put aside the targets because they are not ready yet.
18 And then we will have to circle back to those maybe when we get
19 to Phase III or whatever.

20 **MR. KOSKI:** Your Honor, this is William Koski again.
21 Yes, that is exactly what Plaintiffs would propose.

22 **MS. GILL:** Your Honor, this is Karen Gill. That's
23 fine. And I think there may be some value in using the
24 extension targets for some of the analyses that are going to be
25 performed with the new methodology. So for that reason, we

1 weren't ready to completely jettison them. We are not opposed
2 to that proposal.

3 **THE COURT:** I mean, I guess what I would say is I will
4 leave to you to decide whether you want to tee that up. It
5 seems to me that we shouldn't be reviewing those and discussing
6 those just for the sake of reviewing those, if you know what I
7 mean; right. I mean --

8 **MS. GILL:** Understood.

9 **THE COURT:** It is only if our discussion about those
10 somehow will assist you in the work you are going to be
11 performing in the coming months on the new targets that it
12 makes sense to have a discussion of that.

13 And then the question I have to ask myself is, you know,
14 this stuff -- like, to get to a point where I can discuss this
15 stuff meaningfully with you guys, I have to do a ton of
16 drilling down; right.

17 So the question is: Does it make sense for me to do that
18 ton of drilling down on the extension targets with an eye
19 towards assisting you and informing your discussions as you go
20 forward; but what I would say is I will leave that to you.

21 If you want to try to tee some of that up as part of this
22 June Phase II process, go ahead and tee it up. And if I
23 conclude that I'm just not in the position to drill down on it
24 nor be helpful on it, I can let you know and if --

25 **MS. GILL:** Your Honor, this is Karen Gill. That's

1 fine with us. And I think one of the things that was mentioned
2 a few minutes ago by Ms. Beccerril is the bigger changes I
3 think are really to Indicators 5 and 6. And it may be that we
4 are in a position to move forward on everything else with the
5 exception of those two which we expect will change in the next
6 cycle.

7 So, again, with your guidance, we are fine continuing to
8 move ahead on everything. And we are fine allowing the Court
9 and the Plaintiffs and the Court Monitor to address the new
10 targets when they are released next year too.

11 **THE COURT:** Okay.

12 **MS. GILL:** I think -- part of it is that State
13 Defendants want to make sure the Court knows that we are
14 mindful of the Court's resources. We are ready to keep moving
15 forward. We don't want to delay anything, and we don't want
16 the fact that events outside of the State's control, for
17 example, may have caused some unanticipated delays.

18 **THE COURT:** Well, that all sounds fine to me. And, as
19 I said, I mean, if you-all think there is value in teeing that
20 up now or teeing up as much as you can of that now, then I
21 would say go ahead and do it.

22 And, you know, if I conclude that I'm not operating with
23 enough information to have a meaningful discussion with you-all
24 about it, I won't be shy about -- I won't be shy to say so.

25 Mark, do you have any --

1 **MS. GILL:** Thank you, Your Honor.

2 **THE COURT:** -- thoughts that you want to offer or
3 questions that you want to pose?

4 **MR. MLAWER:** I do have a couple of questions about the
5 extension targets, but I'm not -- I am a little bit confused
6 about whether I have already written some parts of that section
7 of this report.

8 **THE COURT:** Having a little trouble hearing you, Mark.

9 **MR. MLAWER:** I'm sorry. Is this better, Judge?

10 **THE COURT:** Yeah, that sounds a little better.

11 **MR. MLAWER:** I have already written parts of the
12 target section of this report based on the extension targets.
13 One target -- this is not an extension target. There is one
14 target that is still relevant that does not have anything to do
15 with the State performance plan and that is the child find
16 target because that is not part of the State performance plan;
17 but I was proceeding as if -- to analyze the extension targets.

18 So I would just like to understand whether we are moving
19 ahead with that or not so I can strike the section from the
20 report or not.

21 In addition, with respect to the extension targets,
22 Shiyloh mentioned a couple of things about the needs to be a
23 change in baseline, for example, in order for a State to set
24 new targets during a cycle --

25 **THE COURT:** You are fading out again, Mark.

1 **MR. MLAWER:** I'm sorry. Any better?

2 **THE COURT:** Yeah.

3 **MR. MLAWER:** I have not yet found that in any of the
4 relevant documents a reference to a set of rules. I believe
5 Shiylah mentioned two rules that would govern extension
6 targets. So I would appreciate with respect to the extension
7 targets if Cindy could send me links to whatever documents have
8 that assertion in them.

9 As far as proceeding now, I'm happy -- if the consensus is
10 let's analyze and discuss the extension targets, that's fine
11 with me. If the preference is not to deal with targets again
12 until next year when the six year runs out, that is also fine
13 with me.

14 **THE COURT:** Well, what I'm hearing from you --

15 **MR. KOSKI:** To be clear, Your Honor -- this is William
16 Koski again -- Plaintiffs don't concede that makes sense to
17 actually analyze the extension targets right now because the
18 stakeholder group has in many, if not most, instances proposed
19 much more rigorous targets for the six-year cycle coming up.

20 Again, if the State wants to run calculations and models
21 based on the extension targets to try to demonstrate that its
22 new formula is effective, by all means; but I do want to, you
23 know, reserve the ability to criticize the fact that the
24 extension targets are too low in some instances.

25 **THE COURT:** Well, I thought that what I heard the

1 State saying just now -- just most recently was that we will be
2 able to figure out a way to tee up most of what we need to tee
3 up with respect to the six-year targets, and that we will -- we
4 are happy to plow ahead that way. Did I misunderstand what the
5 State was saying?

6 **MS. GILL:** Pardon me, Your Honor. This is Karen Gill.
7 The last part unfortunately cut out and we weren't able to hear
8 you correctly when you said what you understood the State to be
9 saying.

10 **THE COURT:** Okay. I understood the State to be
11 saying: Look, actually on reflection, we can tee up, you know,
12 most of what we need to tee up with respect to the six year --
13 the new six-year targets for June.

14 **MS. DUNCAN-BECCERRIL:** So -- this is Shiyloh
15 Beccerril. So really the only targets we are talking about are
16 the school-age least restrictive environment and the preschool
17 least-restrictive environment. Those are the only two current
18 APR indicators that we would use for monitoring that. And
19 obviously there is some changes that are being made to the way
20 that they are being calculated.

21 So could we analyze data -- you know, could we provide
22 information based on the stakeholder group? Yes, absolutely.
23 I'm not opposed to any of that. Do we have a feeling of what
24 the stakeholders did say when they thought they were the
25 original targets? Absolutely. So all of that can be

1 discussed.

2 Here is the only caveat: They are making changes to
3 indicate the school -- age least restrictive environment and
4 the preschool least-restrictive environment. So their
5 request -- the U.S. Department of Education has published just
6 today an intent to remove all 5-year-old preschoolers or
7 5-year-old kindergarteners from the preschool least-restrictive
8 environment and put them in school-age.

9 So now we have a new set of students who are now going to
10 be part of that data that we would have to analyze that. Can
11 we present that?

12 **THE COURT:** Shiylah, can you slow down a little bit
13 for the court reporter?

14 **MS. DUNCAN-BECCERRIL:** Oh, my God. It's been too long
15 since I have been in the court. That's the problem. And I
16 can't see her because that's usually how I would see --

17 **THE COURT:** Well, if you could see her, you would feel
18 for her.

19 (Laughter)

20 **MS. DUNCAN-BECCERRIL:** I do feel for her.

21 Okay. So can we provide the data? Yes. Can we show what
22 the data looks like? Can we talk about what the indicate --
23 the stakeholders said at the time we held the stakeholder
24 meeting? Yes.

25 The concern that I have is that I don't want to come in

1 and bring you data and then a month later U.S. Department of
2 Education publishes its final rules around these indicators,
3 and they make some kind of change that we are not prepared for.

4 So we can provide you that with the anticipation of this
5 is where we are looking towards. This is our intent. Our
6 intent is to make them more rigorous. Our intent is to make
7 them much more true to where the data is at and to hold them
8 strict to a level of liability that it is rigorous that is
9 outlined in law.

10 However, I want to make sure it is going to be based on --
11 what we present is going to be based on what is real. So we
12 can present something to you with the caveat that this might
13 change and that we should potentially table it until they have
14 finalized it.

15 But, again, we are only talking about two indicators that
16 are used for our selection of monitoring.

17 **THE COURT:** Okay. I think I understand that.

18 **MS. DUNCAN-BECCERRIL:** School-age LRE and preschool
19 LRE.

20 **THE COURT:** Yeah, I think I understand that; and I
21 think that you-all should just try to plow ahead and -- I mean,
22 I don't -- I don't see the point of just going in in June and
23 conducting an analysis of these extension targets, which is --
24 is going to be more or less the same -- I mean, it is such a
25 temporary situation. And it's more or less the same as the

1 situation we were looking at last time.

2 So I'm just -- I'm just not sure what is the benefit of
3 doing that. So why not do it the way that you are proposing
4 with the -- with all of the appropriate caveats. And it may be
5 that a final pronouncement can't be made on the issue of
6 targets.

7 It may be that, you know, there has to be -- you know, a
8 mechanism in place like maybe during Phase III or wherever
9 where we look back to what the State has adopted, but it seems
10 to me that there could be some value in sort of having a review
11 of what is coming down the pike and, you know, having that be
12 part of the process.

13 It could be that Mark identifies some major problem with
14 something that you-all haven't thought of or the -- or not. I
15 mean, there may be value in having Mark express a view that
16 this is, you know, that this is in my view compliant.

17 So I don't think we would be looking to make any
18 definitive pronouncements on the targets given the posture, but
19 why not at least begin the process of analyzing them?

20 **MS. GILL:** Your Honor, this is Karen Gill. That's
21 fine. That's fine. And we are glad that the Court made time
22 to talk to us about this issue today.

23 **MR. MLAWER:** Can I interrupt for one moment? In order
24 for us to do that, if the expectation would be that I would
25 have some analysis about those draft targets, I would need to

1 have the draft targets really quickly since my report is due in
2 less than three weeks from now.

3 **THE COURT:** I'm having a real hard time hearing you,
4 Mark.

5 **MR. MLAWER:** I'm sorry, Judge. I was just asking that
6 if we are going to plow ahead and discuss draft targets for
7 example, for the six, then I would need to have them in time to
8 put them in my report or to do a supplemental report that is
9 going to come down the pike later because my report is due in
10 less than three weeks.

11 **THE COURT:** I'm going to let you-all work that out
12 amongst yourselves.

13 **MS. GILL:** Thank you, Your Honor. This is Karen Gill.
14 Your Honor, just to clarify, do we still need to proceed with
15 the CMC set for April 22nd?

16 **THE COURT:** I don't know. The question is whether
17 that is necessary now. Like I said, I just kept it on there as
18 a placeholder --

19 **MS. GILL:** Right.

20 **THE COURT:** -- in case we thought we would need it.

21 **MS. GILL:** But --

22 **THE COURT:** I will defer to you on whether we need it.

23 **MS. DUNCAN-BECCERRIL:** From the State Defendants'
24 vantage point, we don't need that further case management
25 conference; and we can discuss with the Court Monitor and the

1 Plaintiffs some of these issues around the targets going
2 forward so --

3 **THE COURT:** Okay. Everybody okay with taking the case
4 management conference off for April?

5 **MR. KOSKI:** Plaintiffs are fine with that, Your Honor.

6 **MR. MLAWER:** Yes, Your Honor.

7 **THE COURT:** Anything you-all want to discuss right
8 now?

9 **MR. KOSKI:** Nothing from Plaintiffs, Your Honor.

10 **MS. DUNCAN-BECCERRIL:** Nothing from State Defendants,
11 Your Honor.

12 **THE COURT:** Thank you very much. We will plan on
13 seeing you-all in June then. Maybe I should take a glance,
14 while I have you-all here, and make sure that nothing weird has
15 happened to our schedule. I hear Kristen chuckling in the
16 background.

17 (Pause in proceedings.)

18 **THE COURT:** I think we should still be a go. It looks
19 like we haven't had anything major happen with us that would
20 interfere with the June 8th and June 10th. It looks like that
21 is probably still a go from our end. So we will plan on seeing
22 you then.

23 **MS. GILL:** Great. We look forward to seeing you.

24 **MR. KOSKI:** Thank you, Your Honor.

25 (Proceedings adjourned at 2:51 p.m.)

CERTIFICATE OF REPORTER

We certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Tuesday, March 17, 2020

A handwritten signature in blue ink that reads "Marla Knox". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Marla F. Knox, RPR, CRR, RMR
United States Court Reporter